



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 27, 1998

Mr. Ryan Tredway  
Staff Attorney  
Texas Department of Insurance  
Legal and Compliance  
MC 110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104

OR98-0261

Dear Mr. Tredway:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112259.

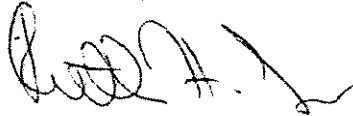
The Texas Department of Insurance (the "department") received a request for information concerning a named individual. You state that some of the responsive information may implicate this individual's privacy interests. The department seeks a determination pursuant to section 552.305 of the Government Code, which provides that when a governmental body receives a request that may implicate a person's privacy or property interests, the governmental body may decline to release the information for the purpose of requesting a determination from this office. Section 552.305(c) provides that the governmental body is not required to provide reasons as to why the information should be withheld or released.

You inform this office that the records regarding this individual "have been sealed by court order in Kit Carson County, Colorado." You state the department continues to take no position" as to whether the requested information is subject to disclosure. You do not indicate whether the department's submitted records are subject to such a court order. We note that section 552.107(2) provides that information must be withheld from disclosure if made confidential by court order. Since the department has not informed this office that the submitted records are subject to this court order, and has not provided a copy of the court order, for purposes of this ruling we assume that the department's records are not protected from disclosure under section 552.107(2). Thus, we reviewed the documents to determine whether any of the information at issue is protected from disclosure under common-law privacy.

We have reviewed the information submitted to this office and have marked information that is protected from disclosure under common-law privacy as protected under section 552.101 of the Government Code. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by common-law privacy and under certain circumstances excepts from disclosure private information about individuals. *Industrial Found. of the S. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). The information submitted contains a copy of a check made out by a third party. This office has determined that common-law privacy protects from disclosure certain types of financial information. Open Records Decision No. 373 (1983) at 3. The bank account number on the check is of no legitimate public interest and must be withheld from disclosure. Our review of the other information submitted shows that it is generally of legitimate public interest and thus must be disclosed.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 112259

Enclosures: Submitted documents

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